

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

Sharon Rogers,

Plaintiffs,

v.

Harvard Collection Services, Inc.
c/o Illinois Corporation Service Co.
801 Adlai Stevenson Drive
Springfield, IL 62703,

Defendant.

Case No.

COMPLAINT

Jury Demand Requested

JURISDICTION AND VENUE

- 1- This court has jurisdiction pursuant to 28 U.S.C. §§1331, 1337, 1367; and 15 U.S.C. §1692k(d).
- 2- Venue is proper because a substantial part of the events giving rise to this claim occurred in this District.

PARTIES

- 3- Plaintiff is a resident of the State of Illinois.
- 4- Plaintiff is a "consumer" as defined in the Fair Debt Collection Practices Act, 15 USC 1692 et seq. ("FDCPA").
- 5- Plaintiff incurred a "Debt" as defined in the FDCPA.
- 6- Defendant is a corporation with its principal office in the State of Illinois.
- 7- Defendant acquired the Debt after it was in default.
- 8- Defendant regularly attempts to collect, or attempts to collect, debts that it acquired after the same were in default.

9- Defendant uses instruments of interstate commerce for its principal purpose of business, which is the collection of debts.

10- At all times relevant, Defendant was a debt collector as defined in the FDCPA.

FACTS COMMON TO ALL COUNTS

11- Prior to April 21, 2017, Plaintiff defaulted on her obligation to pay the Debt.

12- On April 21, 2017, Plaintiff filed a voluntary bankruptcy petition (the "Petition").

13- The Petition included the Debt.

14- By filing a bankruptcy petition, Plaintiff gained the protection of the automatic stay for all debts incurred before July 24, 2017.

15- On August 1, 2017, Plaintiff received a bankruptcy discharge (the "Discharge").

16- The Discharge included the Debt.

17- Despite the Petition and the Discharge, on or around September 5, 2017, Defendant mailed a letter to Plaintiff to collect the Debt.

18- At the time of this communication, Defendant knew, or should have known, that Plaintiff had filed bankruptcy.

19- By trying to collect a debt that was discharged in bankruptcy, Defendant violated the FDCPA.

20- Defendant damaged Plaintiff.

COUNT I

21- Plaintiff incorporates all the allegations and statements made above as if reiterated herein.

22- Defendant violated 15 USC § 1692e(2) by misrepresenting the character, amount, and/or legal status of the Debt.

COUNT II

23- Plaintiff incorporates all the allegations and statements made above as if reiterated herein.

24- Defendant violated 15 USC § 1692e(10) by using false representations and/or deceptive means to collect, or attempt to collect, the Debt.

COUNT III

25- Plaintiff incorporates all the allegations and statements made above as if reiterated herein.

26- Defendant violated 15 USC § 1692f by engaging in unfair and/or unconscionable means to collect, or attempt to collect, the Debt.

COUNT IV

27- Plaintiff incorporates all the allegations and statements made above as if reiterated herein.

28- Defendant violated 15 USC § 1692e by engaging in false, deceptive, or misleading methods to collect a debt.

JURY DEMAND

29- Plaintiff demands a trial by jury.

PRAYER FOR RELIEF

30- Plaintiff pray for the following relief:

- a. Judgment against Defendant for Plaintiff's actual damages, as determined at trial, suffered as a direct and proximate result Defendant's violations of the Fair Debt Collection Practices Act, pursuant to 15 U.S.C. §1692k(a)(1);
- b. Judgment against Defendant for \$1,000 in statutory damages for Defendant's violations of the Fair Debt Collection Practices Act, pursuant to 15 U.S.C. §1692k(a)(2)(A);

- c. Judgment against Defendant for Plaintiff's reasonable attorneys' fees and costs incurred in this action, pursuant to 15 U.S.C. §1692k(a)(3); and
- d. Any other legal and/or equitable relief as the Court deems appropriate.

RESPECTFULLY SUBMITTED,

Meier LLC

By: /s/ Richard J. Meier

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